

(Attachment A)

**A. Piper Rudnick's Fees and Costs**

ATTORNEY'S NAME	NUMBER OF YEARS IN PRACTICE <sup>1</sup>	HOURS FOR WHICH COMPENSA-TION IS SOUGHT	HOURLY RATE AWARDED	TOTAL COMPENSATION
Langhirt, J.	2003 (30 yrs. as of 12/03)	1.25 hours	\$275 <sup>2</sup>	\$343.75
Leasure, A.	2002 (2 yrs. as of 12/02)	43.7 hours	\$146.67 <sup>3</sup>	\$6,409.48
	2003 (3 yrs. as of 12/03)	37.95 hours	\$158.34	\$6,009.00
Nash, J.	2002 (4 yrs. as of 12/02)	138 hours	\$170	\$23,460
	2003 (5 yrs. as of 12/03)	31.3 hours	\$183.75 <sup>4</sup>	\$5,751.38

<sup>1</sup> The number of years in practice for a given year are taken from the chart submitted by Plaintiff in response to the Court's letter order dated May 7, 2004. (Paper No. 66).

<sup>2</sup> This rate is the most allowed by the guidelines for an attorney practicing more than eight years. Mr. Langhirt's 30 years of practice warrant that he be compensated at the highest rate permitted. For further explanation regarding the breakdown of rates awarded to attorneys practicing more than eight years, see footnote four below.

<sup>3</sup> This figure is arrived at by adding \$11.67 to \$135 (the rate within the guidelines that I have determined an attorney practicing for one year should be compensated). For each successive year within the one to four year range, \$11.67 will be added. This permits an attorney who has practiced for four years to be compensated at \$170 per hour, which is the highest level allowed within the one to four year guideline, and recognizes that those attorneys practicing for more than one year, but less than four years, should receive increased compensation in equal increments. Thus, for example, an attorney practicing 3 years will be paid \$158.34 per hour, or \$135 + (\$11.67 x 2).

<sup>4</sup> This figure is arrived at by adding \$13.75 to \$170 (the rate within the guidelines that I have determined an attorney practicing for four years is to be compensated at). For each successive year within the five to eight years range, \$13.75 was added. This permits an attorney who has practiced for eight years to be compensated at \$225 per hour, which is the highest level allowed within the five to eight year guideline. Thus, for example, an attorney practicing 7 years will be paid \$211.25 per hour, or \$170 + (\$13.75 x 3).

Patel, R.	2003 (2 yrs. as of 12/01[sic])	6 hours	\$146.67	\$880.02
Stamper, D.	2002 (2 yrs. as of 12/02)	48.75 hours	\$146.67	\$7,150.16
	2003 (3 yrs. as of 12/03)	43.2 hours	\$158.34	\$6,840.29
Storey, T.	2003 (2 yrs. as of 12/01[sic])	9.95 hours	\$146.67	\$ 1,459.37
Temkin, S.	2003 (18 yrs. as of 3/03)	6.1 hours	\$275 <sup>5</sup>	\$1,677.50
Turner, T.	2002 (13 yrs. as of 12/02)	28.85 hours	\$275	\$7,933.75
	2003 (14 yrs. as of 12/03)	67.95 hours	\$275	\$18,686.25
	2004 (14 yrs. as of 12/03)	4.8 hours	\$275	\$1,320.00
A. Raw total of attorneys' fees earned				\$87,920.95
B. 20 % Reduction (for billing judgment)				-\$17,584.19
C. Reduction for fees incurred by Nash, J. for non-compensable time spent on discovery letter (1.6 hours x \$170/hr - (20% reduction))				-\$217.60
D. Subtotal of attorneys' fees				\$70,119.16
E. Costs (\$2,962 through Petition + \$127.93 incurred in filing of Reply)				+\$3,089.93
<b>F. Total amount awarded to Piper Rudnick</b>				<b>\$73,209.09</b>

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<sup>5</sup> For attorneys practicing more than eight years, the hourly rate of compensation will be determined as follows: \$16.67 was added to \$225 (the highest rate of compensation allowed by the guidelines for attorneys practicing five to eight years) for each year of practice beyond eight years. For example, an attorney that has been practicing for nine years will be compensated at the hourly rate of \$241.67, or \$225 + 16.67. For 10 years of practice the rate of compensation will be \$258.34, or \$224 + (\$16.67 x 2). Attorneys practicing 12 or more years will receive \$275, the highest amount permitted by the guidelines.

**B. The Committee's Fees and Costs<sup>6</sup>**

ATTORNEY'S NAME	NUMBER OF YEARS IN PRACTICE	HOURS FOR WHICH COMPENSATION IS SOUGHT	HOURLY RATE AWARDED	TOTAL COMPENSATION
Brown, B.	2002 (1 yr. as of 5/02)	6.1 hours	\$135	\$823.50
Huhta, S.	2002 (8 yrs. as of 5/02)	19.7 hours	\$225	\$4,432.50
	2003 (9 yrs. as of 5/03)	11.1 hours	\$241.67	\$2,682.54
	2004 (yrs. prior to 5/04)	.7 hours	\$241.67	\$169.17
Weiss, C.	2002 (5 yrs. as of 5/02)	73.8 hours	\$183.75	\$13,560.75
	2003 (6 yrs. as of 5/03)	94.5 hours	\$197.50	\$18,663.75
	2004 (6 yrs. prior to 5/04)	4.8 hours	\$197.50	\$948
A. Raw total of attorneys' fees earned				\$41,280.21
B. 20 % Reduction (for billing judgment)				-\$8,256.04
C. Reduction for fees incurred by Weiss, C. and Huhta, S. for non-compensable time spent on discovery letter (3 hours x \$183.75/hr - (20% reduction) + .5 x \$225 - (20% reduction) )				-\$531.00

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<sup>6</sup> All footnotes regarding the computation of hourly rates and reductions are applicable to The Committee. *See* footnotes 1-6 above.

D. Reduction for hours required due to the Committee's motion to substitute exhibits <sup>7</sup>	-\$956.11
E. Subtotal of attorneys' fees	\$31,537.06
F. Costs	+\$776
<b>G. Total amount awarded to the Committee</b>	<b>\$32,313.06</b>

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<sup>7</sup> The Committee filed a motion to substitute exhibits in reference to its initial computation error regarding the number of hours submitted in Plaintiff's petition. (Paper No. 53). Specifically, the total number of corrected hours for which the Committee seeks compensation, according to Plaintiff's affidavits and contemporaneous timesheets, is 204.6 (rounded to the nearest tenth). *Id.* The chart submitted by the Committee in response to the Court's letter order dated May 7, 2004, however, lists the total number of requested hours as 210.7, thus failing to reflect the correction submitted by the Committee. (See Paper Nos. 65 and 66). Accordingly, I have reduced the amount of the award by \$956.11 (i.e., 6.1 hours at the rate of \$156.74), which is the average hourly rate requested prior to the reduction required by the Committee's motion to substitute (i.e., \$33,024.17 (A+B) / 210.7 hours).